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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,872	11/30/2006	Tak Wai Cheung	102792-210/11362P3US	8311
27389 7590 05/29/2009 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER DOUYON, LORNA M	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 05/29/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,872	Applicant(s) CHEUNG ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species (1), i.e., diester structure wherein Y is $-(CH_2)_x-$ (claim 4) in the reply filed on May 13, 2009 is acknowledged. The traversal is on the ground(s) that (a) all of the specific embodiments of the diester according to dependent claims 4, 6, 7, 8+9 and 10 are fully encompassed by the structure present in the independent claim 1, which demonstrates that there is a common "linking claim", and that (b) any search of the subject matter of the independent claim 1 would necessarily encompass all diester compounds, and it is believed that there would be no undue burden placed upon the Examiner in performing a single search which would be commensurate with the scope of the claimed invention for *all* of the currently pending claims. This is not found persuasive because, as recited in the previous restriction requirement, the species are independent or distinct because claims to the different species recite mutually exclusive characteristics of such species, and these species are not obvious variants of each other. Hence, there is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require different search queries and the prior art applicable to one species would not likely be applicable to another species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 3 is objected to because of the following informalities: in line 2, "is" should be added after "constituent". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite in the recital of "a compound which may be represented by the following structure... R¹ and R² can independently be C₁-C₆ alkyl which may optionally..." because it is not clear whether the recited structure and substituent are required, or not.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheridan et al. (GB 1,601,123), hereinafter "Sheridan".

Sheridan teaches toilet blocks/tablets which comprise ETHYLAN LM 2 (a 2 mole/mole coconut monoethanolamide ethoxylate), ETHYLAN LD (a coconut diethanolamide), MONOLAN 8000 E/80 (an ethylene oxide/propylene oxide block copolymer), (all three are surfactants), and dibutyl phthalate (a diester binder/plasticiser) (see Example 1 on page 3, line 46 to page 4, line 9). Another diester binder/plasticiser is based on adipic acid (see page 3, line 6, claim 23). Sheridan teaches the limitations of the instant claims. Hence, Sheridan anticipates the claims.

6. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yorozu et al. (US Patent No. 5,026,551), hereinafter "Yorozu".

Yorozu teaches a bath additive tablet which comprises diisopropyl adipate (which reads on the recited formula, wherein Y is $-(CH_2)_4-$, R^1 and $R^2 = C_3$ alkyl), and a nonionic surface active agent (see Example 1, col. 5, lines 19-35). See also Example 2. Yorozu teaches the limitations of the instant claims. Hence, Yorozu anticipates the claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridan as applied to the above claims, and further in view of Kook (US Patent No. 3,943,243).

Sheridan teaches the features as described above. Sheridan, however, fails to specifically disclose adding a bleach to the tablet.

Kook, an analogous art, teaches the incorporation of bleaching agents to similar shaped, solid compositions for sanitizing toilets (see col. 1, lines 14-16, col. 2, lines 61-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated bleaching agents into the tablet of Sheridan because this would provide sanitizing effect as taught by Kook.

9. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quebedeaux et al. (US Patent No. 6,035,869), hereinafter "Quebedeaux".

Quebedeaux teaches dishwashing cleaning blocks comprising surfactants, up to 15% by weight of one or more oils which are beneficial in facilitating homogeneous blending of the constituents, wherein one utilizable oil is ethyl succinate (which reads on the recited formula), and other additional adjuvants like bleaches (see col. 1, lines 41-48, col. 2, lines 45-56, col. 3, lines 4-15). Quebedeaux, however, fails to specifically disclose a dishwashing block wherein the oil used is ethyl succinate.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared a dishwashing cleaning block wherein the oil is

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ethyl succinate because this is one selection of utilizable oil taught by Quebedeaux which is beneficial in facilitating homogeneous blending of the constituents.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/
Primary Examiner, Art Unit 1796